



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 00391-00
1 May 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: CWO2 [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 12 Jan 00 w/attachments
(2) PERS-811D memo dtd 28 Mar 00
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show his acceptance date (effective date) and date of rank of his commission in the grade of chief warrant officer (W2) as 1 November 1999. His record now shows his acceptance date (effective date) as 11 January 2000, but shows the date of rank on his commission as 1 November 1999.
2. The Board, consisting of Messrs. Frankfurt and Tew and Ms. Moidel, reviewed Petitioner's allegations of error and injustice on 20 April 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
 - b. Petitioner contends that his commission as a chief warrant officer (W2), which had been scheduled for 1 November 1999, was delayed pending completion of an investigation into alleged misconduct; that the investigation was completed on 5 January 2000; that he was cleared of all alleged misconduct; and that he was commissioned on 11 January 2000.
 - c. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommend he be granted

his original date of rank and effective date with back pay to remove an injustice that occurred through no fault of his own.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

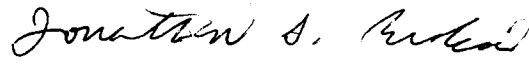
RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show his commission as a chief warrant officer (W2), U. S. Navy, was accepted on 1 November 1999 and effective from that date, leaving his date of rank as 1 November 1999.

b. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

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Ser 811D/OU128
28 Mar 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF
CHIEF WARRANT OFFICER [REDACTED]

1. CWO2 [REDACTED] would have been commissioned 1 November 1999 if all events had proceeded smoothly. In July 1999, a NCIS investigation compelled his command to request his commissioning be held in abeyance pending resolution. This is standard operating procedure in accordance with BUPERSINST 1131.1A.

2. [REDACTED] was cleared of all alleged misconduct and his recommendation/qualification for commissioning upheld. However, the long length of the investigation delayed his commissioning until January 2000. Highly recommend member be granted original Date of Rank and back pay to remove an injustice that occurred through no fault of the member.

[REDACTED]
By direction

Copy to:
DCNO (N131L)